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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/439,427

11/15/1999

WILLIAM P. APPS

RPC0491

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02/11/2010

REHRIG PACIFIC  
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LOS ANGELES, CA 90058

EXAMINER

CHEN, JOSE V

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

02/11/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* WILLIAM APPS, JEFF WILKERSON and BRIAN MUSSER

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Application No. 09/439,427  
Technology Center 3600

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Mailed: February 10, 2010

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Before TOI JOHNSON *Review Paralegal*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 10, 2010. A review of the application revealed that it is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on November 16, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is  
ORDERED that the application is returned to the Examiner to:  
1) consider the Reply Brief filed November 16, 2009 as indicated  
above; and  
2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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